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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,346	02/19/2002	Akira Takano	F05-138810M/ARK	1374

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McGinn & Gibb, PLLC
Suite 200
8321 Old Courthouse Road
Vienna, VA 22182-3817

EXAMINER

GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,346

Applicant(s)

TAKANO ET AL.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15, 16, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6, 15, 16, 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 3, 4 and 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in Paper dated 2/6/04 is acknowledged.
2. Claims 5-6, 15, and 19-20 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in a Paper filed 2/6/04.

Claim Objections

3. Claim 1 is objected to because of the following informalities: on the last line the semicolon should be a period. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Derleth et al.

For claim 1, Derleth et al. disclose a blower unit mounting structure (seen in the figures) comprising: an instrument panel 10 including an upper panel 60 and a lower panel 98 that are vertically divided along a transverse direction of a vehicle body; a steering support beam 72

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fixed to the lower panel; and a blower unit 20 fixed to the lower panel and to the steering support beam to form a unitized component.

For claim 7, Derleth et al. disclose a blower unit mounting structure comprising: an instrument panel 10 including an upper panel 60 and a lower panel 98; a support beam 72 connected to the lower panel; and a blower unit 20 connected to the steering support beam and the lower panel.

6. Claims 1-2 and claims 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindberg et al.

For claim 1, Lindberg et al. disclose a blower unit mounting structure comprising: an instrument panel 30 including an upper panel 248 (Figure 13) and a lower panel (Figure 13), generally 256, 258, that are vertically divided along a transverse direction of a vehicle body; a steering support beam 50 fixed to the lower panel; and a blower unit 56 fixed to the lower panel and to the steering support beam to form a unitized component.

For claim 7, Lindberg et al. disclose a blower unit mounting structure comprising: an instrument panel 30 including an upper panel 248 and a lower panel 256, 258; a support beam 50 connected to the lower panel; and a blower unit 56 connected to the steering support beam and the lower panel.

With regard to claims 2 and 8, Lindberg et al. further comprise a front bulkhead 40 including a vertical wall surface with an opening 86, wherein a duct of the blower unit is connected to the opening for taking outside air into the blower unit.

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7. Claims 7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Lorenz et al.

For claim 1, Lorenz et al. disclose a blower unit mounting structure comprising: an instrument panel 1 including an upper panel 2, 4, 5 and a lower panel 3 that are vertically divided along a transverse direction of a vehicle body; a steering support beam 43 fixed to the lower panel; and a blower unit 17 fixed to the lower panel and to the steering support beam to form a unitized component.

For claim 7, Lorenz et al. disclose a blower unit mounting structure comprising: an instrument panel 1 including an upper panel 2, 4, 5 and a lower panel 3; a support beam 43 connected to the lower panel; and a blower unit 17 connected to the steering support beam and the lower panel.

With regard to claim 9, Lorenz et al. further comprise a toe board 75 having a recessed portion 76, 77.

Allowable Subject Matter

8. Claims 3-4 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments with respect to claims 1-4 and 7-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show other blower unit mounting structures similar to that of the current invention.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1134.

13. **Any response to this final action should be mailed to:**

Box AF

Assistant Commissioner for Patents


Washington, D.C. 20231

or faxed to:

(703) 872-9327, (for formal communications; please mark "EXPEDITED
PROCEDURE")

or:

(703) 746-3515, (for informal or draft communications, please clearly label
"PROPOSED" or "DRAFT").

 2/25/09
D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600